

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

DAVID MACK and	)	Judge William J. Hibbler
CHRISTOPHER MACK, on	)	
behalf of themselves and others similarly situated,	)	Case No.: 1:10-cv-04244
	)	
Plaintiff,	)	
	)	
v.	)	
	)	
MRS ASSOCIATES, INC.,	)	
	)	
Defendant.	)	

**MOTION FOR PARTIAL SUMMARY JUDGMENT**

NOW INTO COURT, through undersigned counsel, comes defendant, MRS Associates, Inc., n/k/a MRS BPO LLC (“MRS”), which, pursuant to Fed. R. Civ. P. 56 and L.R. 56.1, files this Motion for Partial Summary Judgment, and incorporates the attached, Statement of Uncontested Material Facts, and supporting memorandum.

David Mack is the only remaining plaintiff in this matter. In Count 1, plaintiff alleges MRS violated the Telephone Consumer Protection Act (“TCPA”), 47 U.S.C. § 227, when calling a cellular telephone number ending with the last four digits of 9181. It is undisputed, however, that plaintiff was *not* the called party/intended recipient of the calls to the 9181 number. Moreover, it is undisputed that plaintiff is *not* the cell phone subscriber for the 9181 number. The Court, therefore, should dismiss plaintiff’s TCPA claim because plaintiff does *not* have statutory standing to assert the claim.

WHEREFORE, based on the foregoing, and the attached Statement of Uncontested Material Facts, and supporting memorandum, MRS respectfully requests that the Court grant the requested relief.

Respectfully submitted,

/s/ James K. Schultz

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**CERTIFICATE OF SERVICE**

I certify that on this 3rd day of March 2011 a copy of the foregoing **Motion for Partial Summary Judgment** was filed electronically in the ECF system. Notice of this filing will be sent to the parties of record by operation of the Court's electronic filing system, including plaintiff's counsel, as described below. Parties may access this filing through the Court's system.

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